

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES HAYDEN,

Plaintiff,

v.

2K GAMES, INC. and TAKE-TWO
INTERACTIVE SOFTWARE, INC.,

Defendants.

CASE NO. 1:17-cv-02635

JUDGE CHRISTOPHER A. BOYKO

JOINT STIPULATION RELATING TO TRIAL MANAGEMENT PROCEDURES

Plaintiff James Hayden and Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc. (collectively, “Take-Two”), by and through their attorneys, hereby jointly stipulate as follows with regard to the following trial management procedures:

1. **Opening Statements.** The parties will exchange lists of trial exhibits and copies of demonstratives that they intend to show to the jury during opening statements by 7:00 p.m. the night before opening statements are given. The parties will meet and confer at 9:00 p.m. the night before opening statements are to be given to try to resolve any objections. Non-substantive edits, including corrections of typographical or similar errors, to demonstratives may be made prior to use.

2. **Demonstratives and Exhibits.** The parties will exchange demonstratives and lists of exhibits that they intend to use with live and by-designation witnesses that they are calling—but not witnesses they are questioning by cross or redirect examination—by 7:00 p.m. the night before their intended use. The disclosure will identify the witness and each exhibit to be used with the witness. The parties will meet-and-confer regarding objections to exhibits at

9:00 p.m. the night before their intended use. Non-substantive edits, including corrections of typographical or similar errors, to demonstratives may be made prior to use. Nothing prevents a party from using additional exhibits with a witness provided the parties use best efforts to disclose the exhibits in advance, nor prevents a party from objecting to an untimely disclosed exhibit as prejudicial. Demonstratives created in the courtroom (e.g., drawings on whiteboards, lists written on easels, etc.) do not need to be disclosed. Treatments of exhibits (e.g., enlargements or highlighting) do not need to be disclosed as demonstratives. Demonstratives exchanged will not be used by an opposing party prior to being used by the disclosing party. A party will notify the other side by 12:00 p.m. the day before that party anticipates resting its case.

3. **Deposition Designations.** A party that seeks to play deposition testimony by audio or video will provide the opposing party with a copy of the actual audio or video to be played by 7:00 p.m. two nights before the intended testimony. The opposing party shall provide any corrections to the audio or video (for example, removing excessive pauses or colloquy between counsel) by 7:00 p.m. one night before the intended testimony. The audio or video file must include all designated testimony in chronological order, regardless of which party designated the testimony. For any witness whose testimony was recorded by audio or video, the designating party must play the audio or video file, not perform a live reading. The party calling the witness will be permitted to make a brief transition statement with the witness's name, title, employer, general factual topic(s) of testimony, and the exhibit(s) referenced in the testimony to be admitted at trial. Proposed transition statements shall be provided by 7:00 p.m. two nights before the intended testimony. Plaintiff intends to perform live readings of certain deposition testimony, pursuant the Court's March 27, 2024 Order (Dkt. #306). Plaintiff will be permitted to make a brief transition statement with the witness's name, title, employer, general factual topic(s) of testimony,

and the exhibit(s) referenced in the testimony to be admitted at trial. Proposed transition statements shall be provided by 7:00 pm two nights before the intended testimony.

IT IS SO STIPULATED.

DATED: April 12, 2024

/s/ Dale M. Cendali

Dale M. Cendali (admitted *pro hac vice*)
Joshua L. Simmons (admitted *pro hac vice*)
Christopher T. Ilardi (admitted *pro hac vice*)
Joshua C. Berlowitz (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
dale.cendali@kirkland.com
joshua.simmons@kirkland.com
chris.ilardi@kirkland.com
joshua.berlowitz@kirkland.com

Miranda D. Means (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
200 Clarendon Street
Boston, Massachusetts 02116
Telephone: (617) 385-7500
miranda.means@kirkland.com

Yungmoon Chang (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
2049 Century Park East, 37th Floor
Los Angeles, CA 90067
Telephone: (310) 552-4359
yungmoon.chang@kirkland.com

Matthew J. Cavanagh (OH 0079522)
MCDONALD HOPKINS LLC
600 Superior Avenue, East, Ste. 2100
Cleveland, Ohio 44114
Telephone: (216) 348-5400
Fax: (216) 348-5474
mcavanagh@mcdonaldhopkins.com

*Attorneys for Defendants 2K Games, Inc.
and Take-Two Interactive Software, Inc.*

/s/ Andrew Alexander

John Cipolla (Ohio Bar No. 0043614)
Daniel McMullen (Ohio Bar No. 0034380)
Todd R. Tucker (Ohio Bar No. 0065617)
Andrew Alexander (Ohio Bar No. 0091167)
Josh A. Friedman (Ohio Bar No. 0091049)
Dustin Likens (Ohio Bar No. 0097891)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
Telephone: (216) 622-8200
Facsimile: (216) 241-0816
jcipolla@calfee.com
dmcmullen@calfee.com
ttucker@calfee.com
aalexander@calfee.com
jfriedman@calfee.com
dlikens@calfee.com

Of Counsel

Kimberly A. Pinter (Ohio Bar No. 0084277)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
Telephone: (216) 622-8200
Facsimile: (216) 241-0816
kpinter@calfee.com

Attorneys for Plaintiff James Hayden